

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

# United States Court of Appeals For the First Circuit

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No. 00-1304

UNITED STATES,

Appellee,

v.

LUIS ILLAS-PELLOT, a/k/a NAPO,

Defendant, Appellant.

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APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

[Hon. Daniel R. Domínguez, U.S. District Judge]

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Before

Torruella, Chief Judge,  
Selya and Stahl, Circuit Judges.

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Maria H. Sandoval on brief for appellant.  
Guillermo Gil, United States Attorney, Jorge E. Vega-Pacheco, Assistant United States Attorney, and Camille Velez-Rive, Assistant United States Attorney, on brief for appellee.

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May 9, 2000

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Per Curiam. After carefully reviewing the briefs and record on appeal, we affirm the order below. The grand jury indictment facially established probable cause to believe that the appellant had committed a relevant drug offense punishable by a maximum term of at least ten years. It thereby triggered the rebuttable presumption that no conditions of bail could reasonably assure the appellant's appearance or the community's safety. In addition, the appellant was charged with a serious drug crime, the crime was allegedly committed while he was on probation for another offense, and the government proffered some evidence about its case. Although the appellant asserted that he may have been misidentified, under the circumstances, he failed to counter the showing that he posed a risk of flight and a danger to the community. See United States v. Dillon, 938 F.2d 1412, 1416 (1<sup>st</sup> Cir. 1991); United States v. Moss, 887 F.2d 333, 337 (1<sup>st</sup> Cir. 1989); United States v. Jessup, 757 F.2d 378, 384-386 (1<sup>st</sup> Cir. 1985).

Affirmed. Loc. R. 27(c).